

By: Gallegos

S.B. No. 1688

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to grievance procedures under the municipal civil service  
3 law in certain cities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 143.128(b) and (d), Local Government  
6 Code, are amended to read as follows:

7 (b) If the form is filed, the departmental grievance  
8 counselor shall arrange a meeting of the fire fighter or police  
9 officer, that person's immediate supervisor or other appropriate  
10 supervisor or both, and the person or persons against whom the  
11 grievance is lodged, unless the parties mutually agree to a  
12 postponement. The departmental grievance counselor shall schedule  
13 the step I meeting within 30 calendar days after the date the  
14 grievance is filed. If the departmental grievance counselor does  
15 not schedule the step I meeting within the 30 calendar days, the  
16 fire fighter's or police officer's grievance is automatically  
17 sustained and no further action may be taken on the grievance. If  
18 the grievance is lodged against the department head, the department  
19 head may send a representative.

20 (d) Regardless of the outcome of the meeting, the fire  
21 fighter's or police officer's immediate supervisor or other  
22 appropriate supervisor, or both, shall provide a written response  
23 to the fire fighter or police officer, with a copy to the grievance  
24 counselor, within 15 calendar days after the date the meeting

1 occurs. If the immediate supervisor or other appropriate  
2 supervisor does not provide a written response to the fire fighter  
3 or police officer within the 15 calendar days, the fire fighter's or  
4 police officer's grievance is automatically sustained and no  
5 further action may be taken on the grievance. The response must  
6 include the supervisor's evaluation and proposed solution. The  
7 response shall either be personally delivered to the fire fighter  
8 or police officer or be mailed by certified mail, return receipt  
9 requested, to the last home address provided by that person.

10 SECTION 2. Sections 143.129(b) and (c), Local Government  
11 Code, are amended to read as follows:

12 (b) The departmental grievance counselor shall arrange a  
13 meeting of the fire fighter or police officer, that person's  
14 immediate supervisor or other appropriate supervisor or both, and  
15 the department head or the department head's representative who  
16 must have a rank of at least assistant chief or the equivalent. The  
17 meeting shall be held within 15 calendar days after the date the  
18 step II grievance form is filed under Subsection (a), unless the  
19 parties mutually agree to a postponement. If the departmental  
20 grievance counselor does not schedule the step II meeting within  
21 the 15 calendar days, the fire fighter's or police officer's  
22 grievance is automatically sustained and no further action may be  
23 taken on the grievance.

24 (c) Regardless of the outcome of the meeting, the department  
25 head or the department head's representative shall provide a  
26 written response to the fire fighter or police officer within 15  
27 calendar days after the date the meeting occurs. If the department

1 head or the department head's representative does not provide a  
2 written response to the fire fighter or police officer within the 15  
3 calendar days, the fire fighter's or police officer's grievance is  
4 automatically sustained and no further action may be taken on the  
5 grievance. The response shall either be personally delivered to  
6 the fire fighter or police officer or be mailed by certified mail,  
7 return receipt requested, to the last home address provided by that  
8 person.

9 SECTION 3. Section 143.130(b), Local Government Code, is  
10 amended to read as follows:

11 (b) The director shall arrange a hearing of the fire fighter  
12 or police officer and a grievance examiner to be appointed by the  
13 commission under Section 143.132. The hearing shall be held within  
14 15 of the aggrieved fire fighter's or police officer's working days  
15 after the date the step III grievance form is filed under Subsection  
16 (a), unless the parties mutually agree to a postponement. If the  
17 director does not schedule the step III hearing within the 15  
18 working days, the fire fighter's or police officer's grievance is  
19 automatically sustained and no further action may be taken on the  
20 grievance.

21 SECTION 4. Section 143.134, Local Government Code, is  
22 amended by adding Subsection (i) to read as follows:

23 (i) This section and Sections 143.128-143.133 do not  
24 prevent a fire fighter or police officer from filing a group  
25 grievance on behalf of other fire fighters or police officers on the  
26 same grievance issue.

27 SECTION 5. The change in law made by Sections 143.128,

1 143.129, 143.130, and 143.134, Local Government Code, as amended by  
2 this Act, applies only to an action taken under the grievance  
3 procedures of those sections on or after the effective date of this  
4 Act. An action taken under the grievance procedures of those  
5 sections before the effective date of this Act is governed by the  
6 law in effect on the date the action was taken, and the former law is  
7 continued in effect for that purpose.

8 SECTION 6. This Act takes effect September 1, 2003.